

TERRY WELLS,

Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.,

Defendants.

This matter is before the Court upon the motion of Terry Wells for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Additionally, the Court has reviewed the complaint and will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B).

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from

such relief. An action is frivolous if it “lacks an arguable basis in either law or fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31 (1992) (action is factually frivolous if it is fantastic or delusional). An action is malicious if it is undertaken for the purpose of harassing the named defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff’d 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

The Complaint

Plaintiff brings this action under 42 U.S.C. § 1983. Named as defendants are the Federal Bureau of Investigation (“FBI”), the St. Francois County Sheriff’s Department (the “Department”), Dennis Baker (FBI employee), and Dan Bullock (Sheriff, the Department).

Plaintiff alleges that in 2003 he was “coded” by the Department and that all of his actions have been controlled by outside agents ever since. Plaintiff says that he is followed everywhere he goes, that outside agents force him to see things that are not there, and that outside agents access his past while he is dreaming. Plaintiff asserts that these agents have also forced him to cut himself and try to kill himself. Plaintiff also alleges that his mental health is diminishing.

Discussion

The factual allegations in the complaint are obviously derived from a delusional paranoia. As a result, the complaint is factually frivolous under Denton, and the Court will dismiss this action under 28 U.S.C. § 1915(e).¹

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is frivolous.

Dated this 16th day of July, 2012.

/s/Jean C. Hamilton

JEAN C. HAMILTON

UNITED STATES DISTRICT JUDGE

¹The Court notes that plaintiff previously filed a substantially similar action. Wells v. FBI, 4:12CV964 JCH (E.D. Mo.) (dismissed as frivolous).